

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Petition of Global NAPs, Inc. for Preemption of)
the Jurisdiction of the Massachusetts)
Department of Telecommunications and Energy)
Pursuant to Section 252(e)(5) of the)
Telecommunications Act of 1996.)

CC Docket No. 99-354

REQUEST BY THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
FOR THE FCC TO EXTEND THE TIME TO FILE COMMENTS

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December 20, 1999

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COMMONWEALTH OF MASSACHUSETTS
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FOR THE FCC TO EXTEND THE TIME TO FILE COMMENTS**

Pursuant to Sections 1.46 and 1.44 of the Federal Communication Commission's ("FCC" or "Commission") General Rules of Practice and Procedure, 47 C.F.R. Sections 1.46 and 1.44 (1999), the Commonwealth of Massachusetts' Department of Telecommunications and Energy ("DTE") respectfully requests that the Commission extend the time for filing comments in these proceedings an additional fourteen (14) days to January 11, 2000 for initial comments and to January 17, 2000 for Replies. In support of this request, DTE states the following:

I.

DTE is a governmental agency established pursuant to chapter 25 of the General Laws of the Commonwealth of Massachusetts. DTE is charged with, among other things, the duty of regulating the telecommunications common carriers within the borders of the state. DTE has the obligation to assure that telecommunications services and facilities required by the public convenience and necessity are provided and maintained and that service is provided at rates that are just and reasonable.

II.

On December 14, 1999, the Commission established a pleading cycle with respect to a Petition for Preemption of the Jurisdiction of the DTE pursuant to 252(e)(5) of the Telecommunications Act of 1996 ("Petition") filed by Global NAPs ("GNAPs"). The Commission docketed the Petition as CC-99-354.

III.

The established pleading cycle sets (i) December 28, 1999 as the date for interested persons to file initial comments and (ii) January 3, 2000 as the final day to reply to those initial comments.

IV.

Whatever its merits and flaws, the Petition implicates a host of issues of direct and critical concern to the DTE, including, but not limited to, the authority of the DTE to interpret and enforce terms of existing interconnection agreements; the responsibility of the DTE to ensure just and reasonable terms and conditions for the origination, transport and termination of Internet service provider ("ISP") bound traffic pursuant to Commission precedent; and the fact that DTE has currently pending numerous motions for reconsideration of its generic decision that ISP-bound traffic is not eligible for reciprocal compensation under existing interconnection agreements because the terms of such agreements only apply to local traffic and such ISP-bound traffic is non-local interstate traffic. MCI WorldCom v. Bell Atlantic - Massachusetts, D.T.E. 97-116-D (pending).

V.

As is the case every year, the DTE faces year-end statutory deadlines applicable to approximately 40 currently pending items, orders or decisions. These matters involve issues ranging from telecommunications, electricity and natural gas, to water, siting and consumer complaints. Because of the critical importance of the issues raised by this Petition, and because of the institutional mandates confronting the DTE, the DTE respectfully requests additional time in which to file initial comments and replies in this matter.

VI.

This Petition (i) clearly raises issues of concern to the DTE and (ii) could detrimentally affect the DTE's ability to adhere to its obligation to serve the public interest. No other participant's filed initial and reply comments can adequately represent the viewpoint of the DTE. This viewpoint is necessary to fully illuminate the issues raised by GNAPs' Petition and assure a complete record upon which to base a decision. Moreover, the extension will not significantly prejudice the interests of any other party. Thus, granting the requested extension will serve the public interest by ensuring DTE's continued full participation.

VII.

Accordingly, because of the critical importance of the issues raised by the Petition, the institutional demands currently placed on the DTE, and the DTE's inability to formulate complete comments until next year, DTE respectfully requests that the FCC grant a fourteen (14) day extension of the time to file initial and reply comments in the above-captioned proceeding.

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DECEMBER 20, 1999

CERTIFICATE OF SERVICE

I, A. Quincy Vale, hereby certify that on this 21 day of December, 1999,
I caused a copy of the foregoing, attached document, submitted in Petition of Global NAPs,
CC Docket No. 99-354, to be sent via First Class Mail, to the following:

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Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

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Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

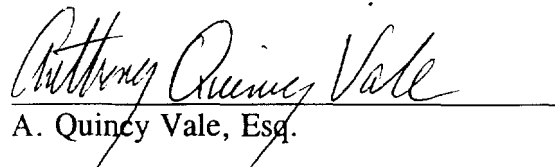
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